

RECEIPT # 55630
 AMOUNT \$ 50 -
 SUMMONS ISSUED _____
 LOCAL RULE 4.1 _____
 WAIVER FORM _____
 MCF ISSUED PS
 BY DPTY. CLK. _____
 DATE 5-3-04

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

04-10874-EFH

UNITED STATES COURT
 DISTRICT OF MASS

PURPLE TUNNEL ENTERPRISES, INC.,
 LOUIS G. SILVA, JR., and
 ANTHONY D. FONTES, III,
 Plaintiffs

v.

BEACON HALL, LLC, ERIK HALL MOSHER,
 JAMES M.F. GILMORE, DOUGLAS MASTER,
 and ANDREW P. PALMER,
 Defendants

C.A. No.:

04-10874-EFH

MAGISTRATE JUDGE Alexander

DEFENDANTS', BEACON HALL, LLC, JAMES M.F. GILMORE, DOUGLAS MASTER
 AND ANDREW P. PALMER, NOTICE OF REMOVAL TO FEDERAL COURT PURSUANT
 TO 28 U.S.C. § 1446 AND LOCAL RULE 81.1

Please take notice that, pursuant to 28 U.S.C. § 1446 and Local Rule 81.1, Defendants, Beacon Hall, LLC, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby remove to the Federal Court for the District of Massachusetts the matter filed by Purple Tunnel Enterprises, Inc., et al at the Suffolk County Superior Court under Civil Action No. 04-1748 BLS. As grounds thereof, Defendants state that this matter is subject to Federal jurisdiction as the Complaint and the Civil Action Cover Sheet allege “[t]his is an action to enforce a franchise agreement against a former franchisee and its guarantors”.

Plaintiffs are alleging violations of the Franchise Agreement, which falls under the Federal Trade Commissions' Rule on Franchising, 16 C.F.R. § 436. Count III of the Complaint alleges violation of the Federal Lanham Trademark Act, 15 U.S.C.A. §§ 1114 and 1125. Other allegations under the Complaint fall under 37 C.F.R. §§ 1-199 (pertaining to trademarks) and §§ 200-299 (pertaining to copyrights). The amount sought under the Complaint is alleged to be \$75,000.00. Defendants' counterclaim will seek an amount greater than \$75,000.00, exclusive of fees and costs.

This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

BEACON HALL, LLC, JAMES M.F. GILMORE,
DOUGLAS MASTER and ANDREW P. PALMER
by their attorney,



Alec G. Sohmer, Esq.
71 Legion Parkway, Suite 23
Brockton, MA 02301
Tel. No.: (508) 583-6510
Fax No.: (508) 583-1263
BBO No.: 559204

Date: Monday, May 03, 2004

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|-------------------------------------|---|-----------|
| PURPLE TUNNEL ENTERPRISES, INC., | : | |
| LOUIS G. SILVA, JR., and | : | |
| ANTHONY D. FONTES, III, | : | |
| Plaintiffs | : | |
| v. | : | C.A. No.: |
| BEACON HALL, LLC, ERIK HALL MOSHER, | : | |
| JAMES M.F. GILMORE, DOUGLAS MASTER, | : | |
| and ANDREW P. PALMER, | : | |
| Defendants | : | |

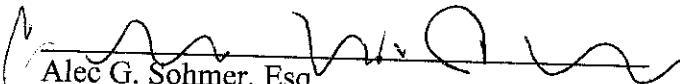
CERTIFICATE OF SERVICE

I, Alec G. Sohmer, attorney for Defendants, Beacon Hall, LLC, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby certify that on Monday, May 03, 2004, I served the above Notice of Removal to the following by mailing a copy of same, postage pre-paid:

Suffolk County Superior Court
U.S. Post Office and Courthouse
90 Devonshire Street, 8th Floor
Boston, MA 02109

Attorney Andrew C. Oatway
Morisi & Oatway, PC
1400 Hancock Street, 3rd Floor
Quincy, MA 02169-5293

Signed this 3rd day of May, 2004 under the pains and penalties of perjury.



Alec G. Sohmer, Esq.
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